

Report Date: February 4, 2015

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**Feb 05, 2015**

SEAN F. MCAVOY, CLERK

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Kenneth J. Derr

Case Number: 2:03CR00061-EFS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: January 12, 2004

Original Offense: Possession of a Stolen Firearm, 18 U.S.C. § 922(j)

Original Sentence: Prison - 120 months;  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: May 5, 2014

Defense Attorney: Roger Peven

Date Supervision Expires: May 4, 2017

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**PETITIONING THE COURT**

**To request a warrant and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on June 23, 2014.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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2	<b><u>Standard Condition # 2:</u></b> The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
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**Supporting Evidence:** Kenneth Derr failed to submit a truthful written monthly report before January 5, 2015.

On December 23, 2014, Mr. Derr was directed to report to the undersigned officer on January 5, 2015. Mr. Derr failed to report on that date. The undersigned officer spoke with Mr. Derr on January 20, 2015, via telephone. He was directed to report to the U.S. Probation Office in order to address his violations of supervision. Mr. Derr again failed to report as directed. Numerous attempts to reach the offender have gone unreturned. As of the date of this report, Mr. Derr has failed to report in person as directed by the undersigned officer.

3	<b><u>Special Condition # 14:</u></b> You shall complete a mental health evaluation and follow any treatment recommendations, including taking prescribed medications, as recommended by the treatment provider. You shall allow reciprocal release of information between the supervising probation officer and treatment provider. You shall contribute to the cost of treatment according to your ability.
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Prob12C

**Re: Derr, Kenneth J.**

**February 4, 2015**

**Page 2**

**Supporting Evidence:** Mr. Derr has failed to comply with his recommended mental health treatment requirements.

On February 3, 2015, the undersigned officer spoke with Bob Cronkite, Mr. Derr's case manager at Frontier Behavioral Health. Mr. Cronkite stated that Mr. Derr has not maintained contact with their agency and is out of compliance with the treatment plan.

- 4      **Special Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** Mr. Derr has failed to successfully complete his court-ordered chemical dependency treatment.

Mr. Derr completed his chemical dependency intake on January 2, 2015. He was scheduled to resume intensive outpatient treatment on January 28, 2015, however, failed to report for treatment as directed.

- 5      **Special Condition # 17:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer.

**Supporting Evidence:** Mr. Derr failed to submit to urinalysis testing as required. He missed his urine testing dates on January 5 and 27, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2/4/2015

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s/Patrick J. Dennis

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Patrick J. Dennis  
U.S. Probation Officer

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Prob12C

**Re: Derr, Kenneth J.**

**February 4, 2015**

**Page 3**

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

February 5, 2015

Date